

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

CHRISTY BLOODWORTH, individually  
and as parent and next friend of  
B.B., a minor child,

*Plaintiff,*

vs.

Case No. CIV-23-172-EFM-GLJ

DURANT HMA PHYSICIAN  
MANAGEMENT, LLC d/b/a DURANT  
ORTHOPEDIC CLINIC, et al.,

*Defendant.*

**MEMORANDUM AND ORDER**

Before the Court is Defendants’ Objection to Magistrate Judge’s Report and Recommendation (Doc. 44). In his Report and Recommendation (“R&R”), Magistrate Judge Gerald L. Jackson recommended that the Court grant Plaintiff Christy Bloodworth’s Motion to Remand (Doc. 33) this case to state court for lack of subject matter jurisdiction. Finding Judge Jackson’s R&R well-reasoned and thoroughly convincing, the Court adopts his R&R in full, overrules Defendants’ Objection, and grants Plaintiff’s Motion to Remand.

Plaintiff instituted this action in state court in Pushmataha County, Oklahoma in Case No. CJ-2022-17, on behalf of herself and her minor daughter, B.B., against Defendants, including Durant HMA Physician Management, LLC (“Durant HMA”), an Oklahoma limited liability

company, Oklahoma physician Jeffrey Neilson, and Johnson & Johnson, a New Jersey corporation, along with numerous Johnson & Johnson subsidiaries (“J&J Defendants”). Defendants removed this action based on diversity jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Plaintiff now seeks to have the case remanded to state court for lack of diversity jurisdiction. The Court referred this case to Judge Jackson for all pretrial and discovery matters, including dispositive motions, in accordance with 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72.

On July 21, 2023, Judge Jackson issued his R&R recommending that this Court remand Plaintiff’s case because the joinder of non-diverse defendants divested this Court of jurisdiction. Defendants object to this recommendation, urging the Court to instead adopt the fraudulent misjoinder doctrine—a course soundly rejected by Judge Jackson

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of Judge Jackson’s R&R and the applicable pleadings of the parties. The Court thoroughly concurs with Judge Jackson’s findings and recommendations. Therefore, the Court adopts Judge Jackson’s R&R (Doc. 42) in full. That is, this Court will not adopt the fraudulent misjoinder doctrine as urged by Defendants.

**IT IS THEREFORE ORDERED** that the Court Adopts Judge Jackson’s Report and Recommendation (Doc. 42) in its entirety.

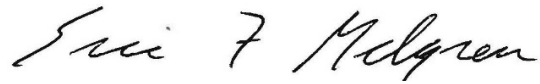
**IT IS FURTHER ORDERED** that Plaintiff’s Motion to Remand (Doc. 33) is **GRANTED** for lack of subject matter jurisdiction.

**IT IS FURTHER ORDERED** that Defendants’ Objection to Magistrate Judge’s Report and Recommendation (Doc. 44) is **OVERRULED**.

**IT IS SO ORDERED.**

Dated this 17th day of October, 2023.

This case is closed.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN  
UNITED STATES DISTRICT JUDGE